

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 762**

---

**Introduced by Assembly Member Mullin**  
**(Coauthor: Assembly Member Chávez)**  
(Coauthor: Senator Hertzberg)

February 25, 2015

---

An act to ~~add Section 1596.951 to, and to amend and repeal Sections 1596.955 and Section 1596.956 of, of~~ the Health and Safety Code, relating to care facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 762, as amended, Mullin. Day care centers: integrated licensing.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of day care centers by the State Department of Social Services. Existing regulations require a separate license to be issued for each component of a combination center, and establishes teacher-child ratio requirements. Existing law requires the department to develop guidelines and procedures to authorize licensed child day care centers serving infants or preschool age children to create a special optional toddler program component for children between 18 and 30 months of age, and requires the program to be considered an extension of the infant center or preschool license. Existing law makes it a misdemeanor to willfully or repeatedly violate any of these provisions or a rule or regulation promulgated under these provisions.

~~This bill would require the department to adopt regulations, on or before January 1, 2018, to develop and implement a single integrated~~

license for a day care center serving children from birth to kindergarten. The bill would require the regulations to include age-appropriate transition times, as specified, and a requirement that an integrated license list the age groups of children being served at the day care center. The bill would require, between January 1, 2018, and December 31, 2018, an existing day care center license to be converted to a single integrated child care license upon annual renewal of the license, and would require that until a day care center has the new integrated license, standards for inspection of a day care center to be based on the current license. The bill would also require a day care center with a toddler component to extend the toddler component to serve children 18 months to 3 years, inclusive, years of age and would repeal the provisions relating to a toddler program component on January 1, 2018. of age, and would make conforming changes relating to the guidelines and procedures the department is required to develop. By changing the definition of an existing crime, the bill would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. The Legislature finds and declares all of the~~
- 2     ~~following:~~
- 3     ~~(a) In the 1970s, California led the nation in the creation of its~~
- 4     ~~licensing system for community care facilities, and pioneered~~
- 5     ~~recognition of the special needs of infants and toddlers with a~~
- 6     ~~license distinct from preschool-age care.~~
- 7     ~~(b) While the standard of care in California statute remains~~
- 8     ~~appropriate, the bifurcation of early care licensing in California~~
- 9     ~~into two separate licenses is unnecessary and problematic.~~
- 10    ~~(c) Many states now mandate the standard required in California,~~
- 11    ~~but without dual-licensing. California is one of only two states in~~
- 12    ~~the country that employ a separate infant-toddler license. Other~~
- 13    ~~states employ a single license for early childhood centers;~~

1 ~~mandating developmentally appropriate standards based on the~~  
2 ~~age of the children served.~~

3 ~~(d) Even in California, family day care homes are not subject~~  
4 ~~to the dual license requirement. Only private fee, state and federally~~  
5 ~~funded child day care facilities are subject to the dual license~~  
6 ~~requirement.~~

7 ~~(e) It is the intent of the Legislature that all of the following are~~  
8 ~~required under a new integrated licensing structure:~~

9 ~~(1) Children shall be grouped together by their appropriate~~  
10 ~~developmental levels and appropriate staff-child ratio and group~~  
11 ~~size regulations shall be followed.~~

12 ~~(2) Children shall transition from age-appropriate classrooms~~  
13 ~~or program spaces when their developmental level is appropriate~~  
14 ~~for such a move.~~

15 ~~(3) A child's chronological age and the entire group's need shall~~  
16 ~~also be considering factors for such moves.~~

17 ~~(4) All children shall be supervised appropriately by teachers~~  
18 ~~and aides with appropriate staff qualifications. Toddlers may be~~  
19 ~~grouped with either infants or preschoolers as long as the~~  
20 ~~requirements applicable to the youngest age group in the group~~  
21 ~~are followed.~~

22 ~~(5) Emphasis shall be placed on improving the quality of early~~  
23 ~~care and education for children from birth to kindergarten in~~  
24 ~~center-based programs.~~

25 ~~(6) Promotion of long-term efficiency within the Community~~  
26 ~~Care Licensing Division of the State Department of Social Services~~  
27 ~~through the elimination of duplicate paperwork and compliance~~  
28 ~~visits to day care centers.~~

29 ~~(7) Inspection of a day care center based on a single integrated~~  
30 ~~license rather than on separate visits based on each license to~~  
31 ~~increase efficiency and to allow a department analyst to more~~  
32 ~~holistically evaluate a day care center which will lead to stronger~~  
33 ~~health and safety practices. Those efficiencies will reduce cost~~  
34 ~~pressure on the department and allow more providers to operate~~  
35 ~~in California, and thus open more spaces for children and parents~~  
36 ~~waiting for care.~~

37 ~~SEC. 2. Section 1596.951 is added to the Health and Safety~~  
38 ~~Code, to read:~~

39 ~~1596.951. (a) The department shall, in consultation with~~  
40 ~~stakeholders, adopt regulations on or before January 1, 2018, to~~

1 develop and implement a single integrated license for a day care  
2 center serving children from birth to kindergarten. Regulations  
3 adopted pursuant to this section shall include both of the following:

4 (1) Age-appropriate transition periods that do all of the  
5 following:

6 (A) Allow children to transition from one age group to another  
7 age group up to three months before or three months after their  
8 birthday.

9 (B) Take the needs of the whole age group into consideration  
10 in order to move children together.

11 (C) Consider continuity of care of the children and parents being  
12 served.

13 (D) Consider the needs of the day care center licensees to  
14 maximize spaces being used.

15 (2) A requirement that an integrated license being issued to a  
16 new or current day care center licensee list the age groups of  
17 children being served at the day care center for the purposes of  
18 license inspections, data collection management, and county needs  
19 assessments.

20 (b) (1) Between January 1, 2018, and December 31, 2018, a  
21 day care center license shall be converted to a single integrated  
22 child care license upon annual renewal of the license. The licensee  
23 shall not be required to pay an additional fee to replace an existing  
24 license with the new single integrated license other than the annual  
25 licensing fee. A new applicant for a single integrated license may  
26 be charged a fee commensurate with the previous cost for dual  
27 licenses.

28 (2) Until an existing day care center license has been replaced  
29 with an integrated license, a day care center licensee shall maintain  
30 a day care center that meets regulatory standards for the age groups  
31 of children that are being cared for at the day care center, and  
32 standards for inspection of a day care center shall be based on the  
33 current license.

34 (c) Stakeholders consulted in adopting regulations pursuant to  
35 this section shall include, but are not limited to, the State  
36 Department of Education, California Association for the Education  
37 of Young Children, Early Edge California, First 5 California,  
38 Children Now, Alliance for Early Success, California Head Start  
39 Association, California Child Development Administrators  
40 Association, California Child Care Resource and Referral Network,

1 California Child Care Coordinators Association, Infant  
2 Development Association, the Western Office of Zero to Three,  
3 L.A. Alliance, Title 5 funded providers, and private providers.

4 SEC. 3. Section 1596.955 of the Health and Safety Code is  
5 amended to read:

6 1596.955. (a) The department shall develop guidelines and  
7 procedures to permit licensed child day care centers serving  
8 preschool age children to create a special program component for  
9 children between 18 and 30 months of age. This optional toddler  
10 program shall be subject to the following basic conditions:

11 (1) An amended application is submitted to and approved by  
12 the department.

13 (2) No child shall be placed in the preschool program before  
14 the age of 30 months without parental permission. A child who is  
15 more than 30 months of age may participate in the toddler program  
16 with parental permission.

17 (3) Parents give permission for the placement of their children  
18 in the toddler program.

19 (4) A ratio of six children to each teacher is maintained for all  
20 children in attendance at the toddler program. An aide who is  
21 participating in on-the-job training may be substituted for a teacher  
22 when directly supervised by a fully qualified teacher.

23 (5) The maximum group size, with two teachers, or one fully  
24 qualified teacher and one aide, does not exceed 12 toddlers.

25 (6) The toddler program is conducted in areas separate from  
26 those used by older or younger children. Plans to alternate use of  
27 outdoor play space may be approved to achieve separation.

28 (7) All other preschool regulations are complied with.

29 (b) The toddler program shall be considered an extension of the  
30 preschool license, without the need for a separate license.

31 (c) The department shall immediately prepare proposed  
32 regulations for public hearing which would consider the foregoing  
33 basic conditions as well as any additional health and safety  
34 safeguards deemed necessary for this age group.

35 (d) The guidelines in subdivision (a) shall remain in force and  
36 effect only until regulations implementing this section are adopted  
37 by the department.

38 (e) Commencing January 1, 2016, a day care center with a  
39 toddler component pursuant to this section shall extend the toddler  
40 component to serve children between 18 months to three years of

1 age of age. It is the intent of the Legislature to provide continuity  
2 of care to California's children and parents in the implementation  
3 of this subdivision.

4 (f) ~~This section shall remain in effect only until January 1, 2018,~~  
5 ~~and as of that date is repealed, unless a later enacted statute, that~~  
6 ~~is enacted before January 1, 2018, deletes or extends that date.~~

7 ~~SEC. 4.~~

8 *SECTION 1.* Section 1596.956 of the Health and Safety Code  
9 is amended to read:

10 1596.956. (a) The department shall develop guidelines and  
11 procedures to authorize licensed child day care centers serving  
12 infants to create a special program component for children between  
13 18 and ~~30~~ 36 months of age. The optional toddler program shall  
14 be subject to the following basic conditions:

15 (1) An amended application shall be submitted to and approved  
16 by the department.

17 (2) A child younger than 18 months ~~not~~ *of age* shall *not* be  
18 moved into the toddler program. A child who is older than 18  
19 months of age shall not be required to be in the toddler program.

20 (3) Parents shall give permission for the placement of their  
21 children in the toddler program.

22 (4) A ratio of six children to each teacher shall be maintained  
23 for all children in attendance at the toddler program. An aide who  
24 is participating in on-the-job training may be substituted for a  
25 teacher when directly supervised by a fully qualified teacher.

26 (5) The maximum group size, with two teachers, or one fully  
27 qualified teacher and one aide, shall not exceed 12 toddlers.

28 (6) The toddler program shall be conducted in areas separate  
29 from those used by older or younger children. Plans to alternate  
30 use of outdoor play space may be approved to achieve separation.

31 (7) All other infant center regulations shall be complied with.

32 (b) The toddler program shall be considered an extension of the  
33 infant center license, without the need for a separate license.

34 (c) The department shall immediately prepare proposed  
35 regulations for public hearing that would consider the foregoing  
36 basic conditions as well as any additional health and safety  
37 safeguards deemed necessary for this age group.

38 (d) The guidelines in subdivision (a) shall remain in force and  
39 effect only until regulations implementing this section are adopted  
40 by the department.

1 (e) Commencing January 1, 2016, a day care center with a  
2 toddler component pursuant to this section shall extend the toddler  
3 component to serve children between 18 months to three years of  
4 age. It is the intent of the Legislature to provide continuity of care  
5 to California's children and parents in the implementation of this  
6 subdivision.

7 ~~(f) This section shall remain in effect only until January 1, 2018,~~  
8 ~~and as of that date is repealed, unless a later enacted statute, that~~  
9 ~~is enacted before January 1, 2018, deletes or extends that date.~~

10 ~~SEC. 5.~~

11 *SEC. 2.* No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.